

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

CHRISTOPHER KOHLS, ET AL.,

Plaintiffs,

v.

ROBERT A. BONTA, ET AL.,

Defendants.

Case No. 2:24-cv-02527-JAM-CKD

**PLAINTIFFS' NOTICE OF
SUPPLEMENTAL AUTHORITY**

Plaintiffs Rumble Inc., Rumble Canada Inc., and X Corp., submit this notice under Local Rule 230(m) to bring the Court's attention to two cases decided after briefing on the cross motions for summary judgment was completed: *Castronuova v. Meta Platforms, Inc.*, No. 4:24-CV-02523-YGR, 2025 WL 1914860 (N.D. Cal. June 10, 2025), *appeal docketed*, No. 25-4243 (9th Cir. July 10, 2025), and *Geegieh v. Unknown Parties*, No. CV-24-02993-PHX-SMB, 2025 WL 1769766 (D. Ariz. June 26, 2025).

In *Castronuova*, the court barred claims against X Corp. and Meta Platforms, Inc. under both 47 U.S.C. § 230(c)(1) and the First Amendment of the U.S. Constitution that alleged a "conspiracy between the social media company defendants and the federal government to censor conservative voices during the COVID-19 pandemic." 2025 WL 1914860, at *1, *3–5. The court held that "[a]n editorial decision can be 'both an expression of a publisher's point of view (protected

1 under the First Amendment) and a publication of a third-party’s content (protected under Section
2 230)” and noted that the fact that social media platforms’ “moderation decisions are also protected
3 by the First Amendment does not strip them of their Section 230 immunity.” *Id.* at *5 n.4 (quoting
4 *Doe (K.B.) v. Backpage.com, LLC*, 2025 WL 719080, at *4 (N.D. Cal. Mar. 3, 2025)); *see id.* n.5
5 (“[T]he Court finds that Section 230 and the First Amendment bar[] plaintiff’s claims outright[.]”).
6

7 In *Geegieh*, the court barred defamation and intentional infliction of emotional distress
8 claims against X Corp. under both 47 U.S.C. § 230(c)(1) and the First Amendment, because the
9 claims “attempt[ed] to hold X Corp. liable for its moderation practices.” 2025 WL 1769766, at *4–
10 5.

11 Both *Castronuova* and *Geegieh* are relevant to Plaintiffs’ arguments that interactive
12 computer service providers, such as X Corp. and Rumble, do not lose Section 230 immunity for
13 liability deriving from third-party content simply because the provider’s editorial decision not to
14 remove such content is protected under the First Amendment. *See* Pls.’ Resp. Defs.’ Mot. S. J. on
15 AB 2655, 24–27, Doc. 79.
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1 Dated: July 24, 2025

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PROOF OF SERVICE

I hereby certify that I caused to be filed a true and accurate copy of the foregoing document with the Clerk of Court using the CM/ECF system, which automatically sends an electronic notification to all attorneys of record in this case.

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